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OCT 04 2007

Appl. No. 10/691,216
Amdt. dated October 4, 2007
Reply to Office Action of February 15, 2007

Remarks

The present amendment responds to the final Official Action dated August 7, 2007. The final Official Action rejected claims 1-18 under 35 U.S.C. 102(e) based on Auer et al. U.S. Patent Publication No. 2003/0191946 (Auer).

This ground of rejection is addressed below. Claim 11 has been canceled without prejudice. Claims 1, 6, 8-10, 12-14 and 16 have been amended to be more clear and distinct. New claims 19 and 20 have been added. Claims 1-10 and 12-20 are presently pending.

The Art Rejections

All of the art rejections hinge on the application of Auer, standing alone. As addressed in greater detail below, Auer does not support the Official Action's reading of it and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Auer made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-18 under 35 U.S.C. 102(e) as unpatentable over Auer. In light of the present amendments to the claims, this ground of rejection is respectfully traversed.

As explained in par. 2, Auer addresses a network environment in which "a consumer has an electronic device, such as a video game console or general purpose personal computer, which is the client, and which is capable of communicating over the internet with a server." Also, compare, for example, Auer par. 7 which notes "the client/server authorization method naturally allows a conduit for additional information to be provided the consumer on launch at the desired

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content in question. This creates an opportunity for _____ consumer advertisement." By contrast, the present invention addresses a context such as a network of ATMs maintained by a bank, for example, where a service provider is trying to maintain license control over a plurality of terminals distributed around the country. Page 1, lines 18-12, for example.

As a result of its consumer-_____ focus, Auer maintains central control of access. See, for example, par. 46 and 60, for example, in which the remote controller "208 checks CID 212 and UID 214 against database 216 of previously recorded access rights." The comparison is not against a list of licensed client node, but rather against "previously recorded access rights" for the particular node. As addressed further below, its a different approach than the cone claimed.

Claim 1, as amended, addresses "a system for controlling access to or distribution of software and/or data by a licensee" comprising means for storing software and/or data that is to be made available to predetermined licensed client nodes," and a "list of identifiers for licensed client nodes". As noted above, Auer determines the current access rights for an identified node and not whether a node is on the licensed list of nodes licensed for the software and/or data as in the claimed combination. Claim 1, as presently amended, is not taught and is not made obvious by Auer.

Similarly, claim 9 addresses a "method for controlling access to or distribution of software and/or data by a licensee among a plurality of client nodes." The method comprises, inter alia, "storing in association with the software and/or data a list of unique identifiers for licensed client node" and then "identifying where a unique identifier for a particular node is included on the list." Auer does not teach and does not make obvious controlling the operation

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of a node so that the node verifies the appearance of its identifier on a list of licensed nodes and then loads, installs, or uses software and/or data only if the identifier appears on the list as presently claimed. Claim 9, as amended, therefore defines over the cited art and should be allowed.

Claim 10, as amended, claims instructions for "executing a license management program to establish a unique identifier" and "reading a list of unique identifiers" each of which establishes its "associated machine is licensed" so that access occurs only if the unique "identifier" is "on the list". As noted above with respect to claim 1, Auer does not teach and does not make obvious controlling the operation of a node so that the node verifies the appearance of an identifier on a list and loads, installs, or uses software and/or data only if the identifier appears on the licensed list. Claim 10, as amended, therefore defines over the cited art and should be allowed.

Claims 13 and 16, as amended, specify that the "list" is of "client nodes or terminals "licensed to use the software and/or data". As noted above, Auer does not teach and does not make obvious controlling the operation of a device so that the device loads or installs or uses software and/or data only if a unique identifier associated with the device appears on a licensed list. Instead, Auer checks access rights for individual nodes or clients. New claims 19 and 20 address aspects of the present invention as applicable to an ATM and to ATM networks which are further limitations not suggested by Auer.

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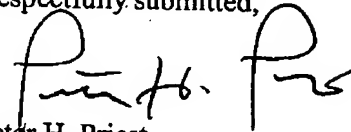
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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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